



King County

Ron Sims
King County Executive

CHARTER REVIEW COMMISSION

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King County Charter Review Commission
Governmental Structure Subcommittee
Meeting Minutes – February 11, 2008
KC Chinook Bldg., 5:30pm-7:30pm

The meeting of the King County Charter Review Commission, Governmental Structure Subcommittee was called to order at 5:03 p.m.

Commission members in attendance:

Lois North
Mike Lowry
Sarah Rindlaub
John Jensen
Kirstin Haugen
Dan Gandara
Darcy Goodman
Gary Long
Terry Lavender
Trisha Bennett

Absent:

Tara Jo Heinecke
Greg Hirakawa

Staff:

Corrie Watterson Bryant, Project Manager, Charter Review Commission
Becky Spithill, Project Manager, Charter Review Commission

Council and PAO Staff:

Ross Baker, Chief of Staff, King County Council
Mike Sinsky, Prosecuting Attorney's Office
Rebecha Cusack, King County Council Liaison to the Commission
Nick Wagner, King County Council Co-Liaison to the Commission
Grace Reamer, Legislative Aide, Councilmember Kathy Lambert, District 3

Guests

Sandy McConnell, King County Elections Program Manager for Elections Operations
Kurt Triplett, Chief of Staff to King County Executive Ron Sims

Opening Remarks and Introductions

- Ms. Rindlaub asked to adopt the minutes for January 14, 2008 with the following changes:
 - Recommended that electing the charter review commission be discussed in full commission
 - Voted to take no position on the elections director position
 - Have the commission's work should be to propose changes to the charter
- Minutes from January 9th were also adopted during this meeting

Sandy McConnell presentation on Elections deadline amendment

Ms. McConnell explained that State law changed the processing of initiatives and referenda from 45 to 84 days. This change was based on the need for county auditors to have more time to process referenda and initiatives. 45 days prior to a primary or a general is not sufficient time based on how long it takes for vendors to process the ballots. Another concern Ms. McConnell had with the limited 45 day timeline is the printing of the voter pamphlet. The printing of the voter pamphlet is particularly difficult for King County because the Department has to translate the pamphlet into Chinese. The other challenge is that 84 days allows the elections department to have sufficient time if a ballot title is challenged in court. It also gives the elections department sufficient time for their military deadlines.

Ultimately, the elections department wants the current election deadline to be consistent with state law.

Mrs. North asked the question regarding how long it takes for gathering signatures for charter amendments. Ms. McConnell replied that they had 90 days for signature gathering which is set by county law.

Mrs. North asked Mr. Sinsky if there is something we can do to give citizens more time to gather signatures.

Ms. McConnell said they can start ahead of time before you file your petition. Once the petitioners have submitted the petition, they can start as soon as possible.

Mr. Lowry mentioned that State Initiatives goes through the Attorney General and gets approved.

Once the 90 days is up for petitioners to gather signatures, the Elections office should then have 90 days to verify the signatures.

Mr. Gandara asked if the Council could extend the timeline passed by State Law. Can we set the timeline to something different from State law?

Mr. Sinsky said it can be done and it can be done by either charter or ordinance but it is easier through ordinance.

Discussion on Elections Deadline

Mr. Gandara recommends that we adopt option 2 where we change it through ordinance. There maybe a time where Council might need to change the deadline and ordinance allows the changes to be flexible. It makes more sense to give this responsibility to the Council.

Mr. Sinsky points out that if we make the elections timeline set by ordinance, the Council must immediately adopt an ordinance to have this change reflected on the 84 days otherwise their could be a void between charter language and ordinance.

Mr. Jensen acknowledged that we must trust that Council should set an ordinance with the suggested 84 day timeline that the elections division is recommending.

Ms. Goodman suggested that we should assume that our elected officials would act lawfully and act in the best interest of the public.

Ms. McConnell suggests that all jurisdictions should have this deadline so that it is absolutely clear. It is that consistency and that expectation that we are looking for. The rest of the counties have the 84 days but we are handicapped because of our home-rule charter.

Ms. Cusack mentioned that legislation is subject to Executive veto. So you do have the checks and balances if there is a discrepancy between charter language and veto.

Motion to adopt version two of the language prepared by Mike Sinsky.

Motion passes 7 in favor 2 opposed.

Charter Review Process

Mrs. North pointed out a bill in Olympia to establish public funding for local positions. If we had a public funding system everyone is on the same level playing field.

Mr. Triplett began his presentation and explained that Ron believes that you should not change the charter through a citizen initiative. The Executive believes that because of a potential elected auditor or our current elected sheriff, special interests have raised elected issues to a much greater level. The chances of capturing a potential elected Charter Commission, would be at risk to special interests. Also an elected commission would have a strong overrepresentation of Seattle. And for this reason the Executive believes it is not a good idea to have an elected charter commission. Ron thinks that if there is a choice between holding an election for a charter commission versus appointing a commission that doesn't have their amendments go straight to the ballot; he believes that the latter would be safer, particularly in avoiding the influence of special interests.

The unintended consequences of his original request translates that he doesn't want an elected commission. He believes that we should have an amendment clarifying the citizen initiative process. And he wants to reinforce the current appointment process to allow the commission to be diverse geographically and enable the commission to have a very high caliber of talent.

Ms. Heinecke, asked how many appointments did the Executive turn down.

Mr. Triplett mentioned that the Executive didn't turn any suggestions by the council down, rather, he allowed Council to have their nominees on who would be appointed to the commission. He mentioned it was actually the Executive who turned down some of his choices at the request of Council. Mr. Triplett emphasized that it was certainly a challenge because the charter isn't clear on who confirms and this amendment would certainly clear this up.

Mr. Gandara asked if you were to have elections for the CRC and change the nomination process that adopts geographic representation and diversity into the charter, you would be able to have your cake and eat it too. You wouldn't expose the process by an overrepresentation of Seattle. I would be interested to hear what the Executive would think about that process.

Mr. Triplett mentioned that this is the first he had heard about that idea and he thought that it was a very interesting, innovative hybrid. But he doesn't think that the Executive would be in favor of that process.

Mrs. North asked Kurt if the Executive is aware of the public funding bill in the legislature that is about to be passed.

Mr. Triplett responded and said I think the bill can go a long way towards mitigating that but past public funding was a match. Mr. Triplett admitted that he was unclear what the current stipulations of the funding bill are. If it was full public funding, that would be a different story but if it was partial or just a match, then it probably would not work to eliminate special interests. The challenge with full public funding is that people are allowed to put money on top of what they need to run a campaign.

Mrs. North said the main issue here is that CRC recommendations need to have a chance to go directly to the ballot. That's the big decision.

Mr. Triplett responded that it is an issue that CRC recommendations wouldn't get on the ballot if Council ignored them but there is the initiative process. So if CRC recommendations were kept off the ballot, citizens and commissioners can respond through an initiative.

Mr. Jensen agreed with much of what Mr. Triplett had to say and further argued if people aren't heard, than the initiative is the weapon they can use. The best way to get the Commission head is for Council to distribute the membership in a way where they cannot discount the work that gets brought forth.

Mr. Gandara mentioned that our process as it is today is that Council has influence in what ideas are investigated. Council can suggest that they would not take up an amendment which would discourage commissioners to pursue an amendment which could very well be a great idea for the County. But the Commission can get cut off at the pass. For this to be a meaningful process, the Commission needs to have the ability to present proposed changes directly to the voters. Otherwise the process becomes pretty hallowed and a bit distorted. Mr. Gandara favored the hybrid idea -- that you can have a selection of a group that balances the Executive and Council and allows amendments to go directly to the ballot.

Ms. Rindlaub wanted to remind the Commissioners that we had one other proposal from Councilmember Lambert which would keep the balance of power and keep the geographic distribution. Each councilmember would have 2 nominees and the total number of commissioners would be 25. This would provide for a balance of legislative and executive power.

Mr. Gandara said I think we dropped that idea because of the elected commissioner process.

Mr. Triplett asked if it was mandatory that we need to have an elected body in order to have charter review recommendations go straight to the ballot.

Mr. Sinsky replied that is not absolutely mandatory but it presents a stronger argument in terms of having a legislative authority.

Ms. Heinecke communicated her surprise that commissioners felt that they couldn't take up issues because of Council pressure because she felt that the commission was selected because they knew they would have the courage of that conviction to bring forth new ideas. And she also mentioned that this commission has the talent to convince the council that our proposed amendments are good ideas for the citizens. And that's part of the job they were tasked with. She is surprised that commissioners think we're not taking on issues because we are afraid of failure.

If commissioners do end up being an elected position, than why can't anyone run. If commissioners are going to be elected, than anyone should be able to file, not a select few who should be considered. That becomes an even more elitist process. She argued that she is not convinced this process is not as flawed as some commissioners think.

Mr. Jensen replied that the process is not flawed. The commissioners are tremendously talented. Council Staff has been wonderful about giving feedback at the right time.

Ms. Heinecke mentioned there are all kinds of boards and commissions that do research and give recommendations to the council but none of them are in a position to expect that all of their recommendations be implemented.

Mr. Gandara said there are no guarantees since it will go to the voters.

Mr. Lowry reminded the Commission that this still has to be approved to the public. He is not concerned with the problem of the slate because they still have to take their amendments to the public.

Mr. Jensen mentioned that a sewer district would have a single purpose. The CRC needs a broad group of talent. If Commissioners are selected with a single issue purpose then it would not lead to a productive process.

Mrs. Rindlaub mentioned that she is having trouble with the concept regarding getting the right people onto this commission. She agrees with Kathy Lambert's suggestion of council having 2 reps and the exec gets the rest. This would yield a more balanced group of commissioners with quality people representing every part of the county.

Mrs. Bennett says she has mixed feelings because she likes Mrs. North's suggestions of an elected body, but the council is selecting appropriate people for this commission. "I feel as if I'm leaning toward the hybrid. I think that can yield a better result." Councilmembers are in the best position to know who the best people are and who are willing to do the work.

Mrs. Cusack argued that Council worked through the problems they had in the last CRC. "We don't know what other Councilmembers think about Councilmember Lambert's amendment of having two nominees for Council. The Council does not support issues bypassing Council, particularly now that there is an initiative process."

Mr. Jensen said he understands Kathy's proposal but my point is there is a balance for it to be taken seriously. And the power might go more towards the Council versus the Executive. The formula for the commission is that it shouldn't be weighted for either side.

Ms. Heinecke mentioned that she never felt pressured to take a position of any sort. Councilmember Patterson trusted her to do the job.

Mr. Hirakawa asked why the ratification issue was held up.

Ms. Cusack mentioned that the CRC did not have a formal approval process. The Executive shared the nominations and one of the nominations didn't get approved because one of our councilmembers wasn't in favor of our nominations.

Mr. Hirakawa argued that if we can come up with some scheme that would address the concerns of the Executive and council, it could go through. I think it is incumbent on us to fix this procedural process.

Mr. Sinsky stated that we can put the same language in Article III to reaffirm that the CRC is confirmed by the county council with a minimum of 15 members on the commission.

Mr. Lowry, said this might be a technical amendment and made a motion to have council draft language that would connect the confirmation process of the charter commission to the appointment process.

The motion passes unanimously.

Mr. Jensen suggested we should have a number system to appoint the commission Exec 6, councilmember 2 to nominate. The Executive has 6 at large and council each gets one. This would yield 15 members. We need some sort of recommended formulas.

Ms. Cusack mentioned that the CRC, in the past there has always been a consultative process between Exec and council in picking the charter commission. Council wants a strong Executive and they also want a strong legislative body.

Ms. Rindlaub received confirmation from the GS subcommittee that we should go forward with the issue of an elected commission and bring it to the full commission. And we will have one technical recommendation on clarifying the appointment process.

Meeting adjourned: 7:05pm

Respectfully submitted by: Mark Yango